

REMARKS/ARGUMENTS

Response Period Extension – Not Needed

This Amendment "A" and Response to the office action of October 21, 2008 is filed within the three month Period of Reply granted on page one of the Office Action Summary. Thus, no petition for an extension of time accompanies this amendment and response as this document is filed on or before January 21, 2009.

Extra Fee for One Additional Independent Claim – \$ 110 Paid via EFS

This Amendment "A" and Response includes the payment of \$110 dollars to cover the extra independent claim presented. Claims 19 and 24 have been converted to independent claims by virtue of following the examiner's suggested cure to the claim objections. Independent claim 26 has been cancelled without prejudice or disclaimer.

Summary of Office Action

In the office action mailed on October 21, 2008 or the "present Office Action" claims 1-11 were allowed; claims 12-18, 21-23, and 25-28 were rejected; and claims 19, 20, and 24 were objected to. The claims objected to were deemed allowable if rewritten in independent form and including all limitations of the base claim and intervening claims. Claim 26 was rejected under 35 U.S.C. § 102(b) as anticipated by Henderson 3,662,729; the remaining rejected claims were argued to be obvious under 35 U.S.C. §103(a) in light of Henderson.

Summary of Response to Office Action

Claims 1 -11 have not been amended herein and thus remain in condition for allowance. In response to the objections to claims 19, 20 & 24, claims 19 & 24 have been rewritten to include all limitations of the base claim and any intervening claims. Claim 20 was left unchanged, as claim 20 depends upon claim 19, which was amended as suggested in the office action. Claims 13, 14, 15 & 26 have been cancelled without prejudice or disclaimer. Claim 12 has been amended to include the

limitations of claim 13. No new matter has been added. The §103(a) rejections to claims 12, 16, 17, 18, 21, 22, 23, 25, 27 & 28 are traversed. All claims presented herein are now in condition for allowance.

All Claims are Allowable

Applicant respectfully traverses all objections directed to the remaining claims and requests reconsideration in the form of a Notice of Allowance.

Claims 1 – 11 are in condition for allowance as granted in the present office action

Page three of the present office action states: "Claims 1 -11 are allowed". The allowed claims have not been altered or amended and thus remain in condition for allowance.

Claims 19, 20 & 24 have been rewritten to be allowable as suggested in the three claim objections

Page three of the present office action states:

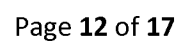
Claims 19, 20, & 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

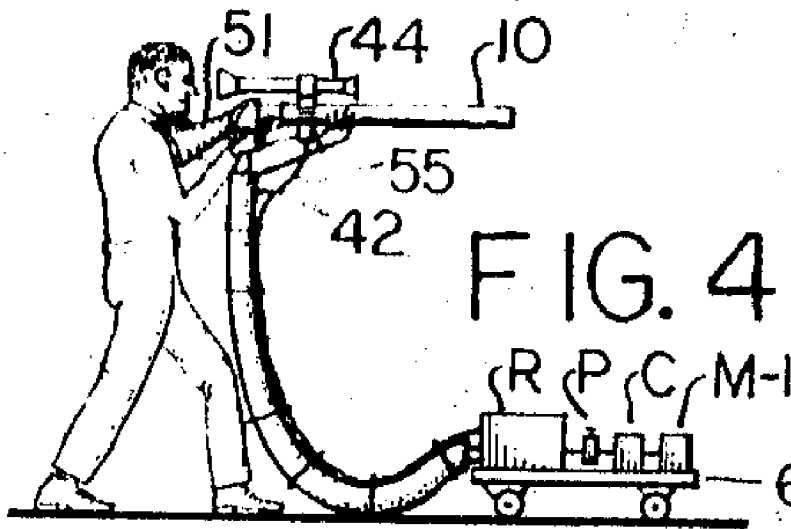
Claim 19 is amended herein to be a new independent claim and incorporates all limitations of base claim 12. Claim 20 has not been changed herein as the claim already depends upon claim 19. Claim 20 now depends upon an allowed rewritten base claim as contemplated in the objection. Claim 24 has been rewritten in independent form and now contains the original limitations of base claims 22, 18 & 12.

The claim rejection under 35 U.S.C. 102(b) is now moot in light of cancellation of claim 26

Claim 26 only was rejected under 35 U.S.C. 102(b) as anticipated by Henderson 3,662,729. Claim 26 is cancelled herein without prejudice or disclaimer.

Obviousness rejections under 35 U.S.C. 103(a) are overcome by careful review of the structural limitations of the present invention and the present amendments to claims 12 & 19





Henderson, as suggested by its title is a BALL THROWING AIR GUN and is in fact held like a rifle and contemplates having a recoil of 80 % of a 30-'06 rifle. Henderson Col: 5 Lines: 23-25.



and FIG. 4 :

Thus, Henderson does not contemplate the adjustment of air pressure which would cause an uncomfortable recoil to the shooter. Due to size and weight constraints inherent in providing a manageable hand held rifle, Henderson does not contemplate or suggest the use of multiple motors and/or multiple rotating pads to spin a ball prior to release. Furthermore, the size and weight constraints of Henderson's rifle do not allow for a particularly sophisticated assembly that might provide multiple pressures for different functions, such as one air pressure to align a ball seam and another air pressure to spin the ball. In fact, Henderson does not even contemplate the nuance of using ball seams to help control spin rates.

The present invention overcomes short falls in Henderson by providing smooth spinning, opposing, dual ball supports. The top screw system in Henderson is needed due to space and weight limitations of a hand held rifle system, but Henderson's screw system fails to provide the ball contact

area of the present invention. The present invention overcomes shortfalls in Henderson by enabling two seam or four seam ball alignments to better mimic the seam use of a professional pitcher. The present invention displays a new level of sophistication by providing one relatively light ball support pressure so as to not to "prevent the axis of rotation of the baseball changing whilst being rotated.." as further described in Claim 19 of the present invention.

The structure of the present invention is well summarized in FIGS. 1 and 8:

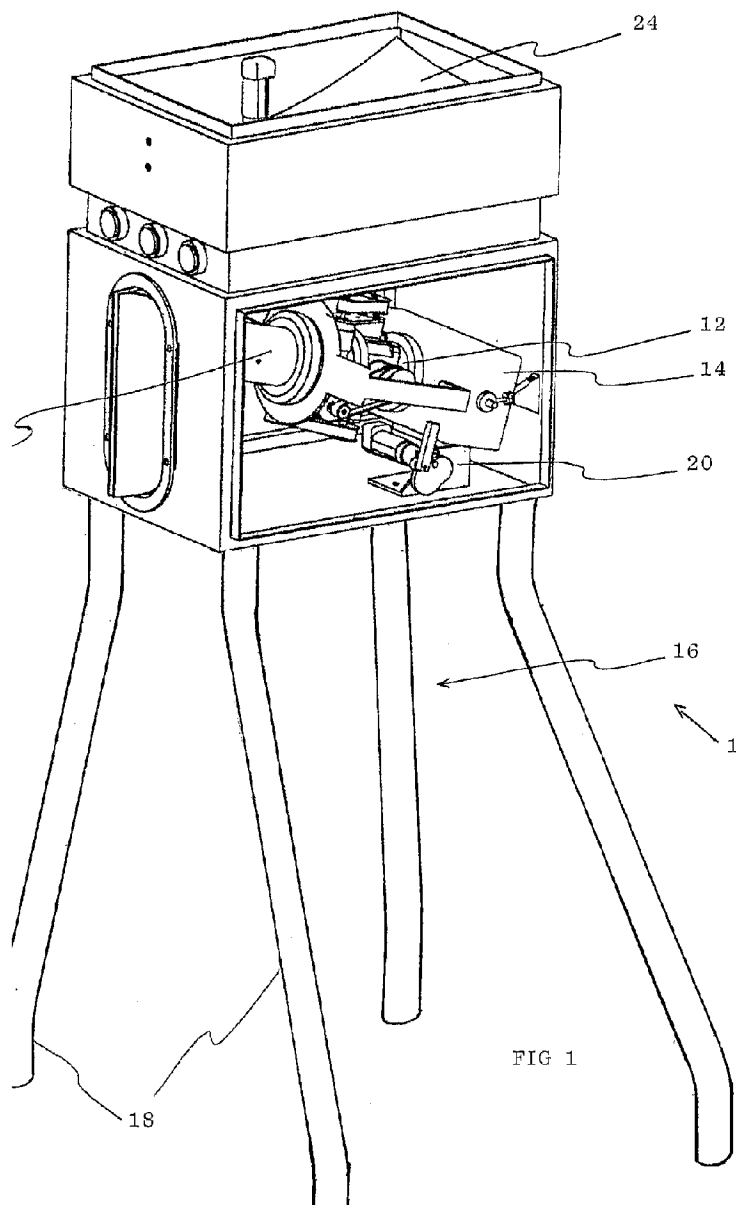


FIG 1

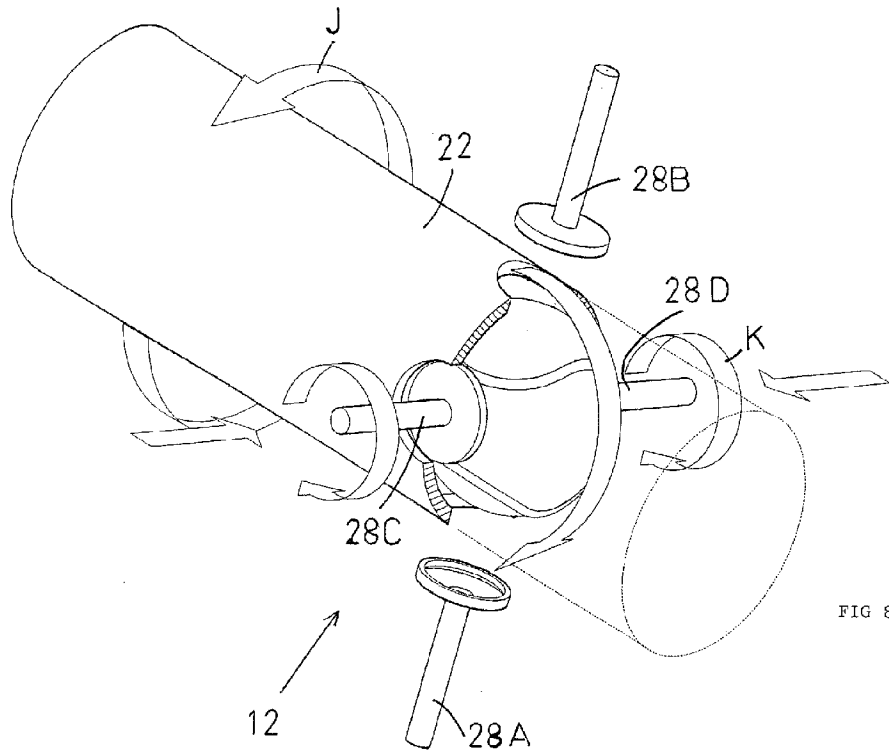


FIG. 8 of the present invention

The gist of currently amended claim 12 comprises the following limitations:

...at least one pair of opposing ball supports...wherein the pressure exerted by the ball supports on the baseball is insufficient to prevent the axis of rotation of the baseball changing whilst being rotated....

Claim 12 is not obvious in light of Henderson's single rotating element and Henderson's failure to even ponder a light pressure upon the ball or the issue of axis of rotation changes. Moreover, claim 12 now contains the limitation of having a second pair of opposing ball supports. Henderson's hand held rifle configuration does not accommodate, suggest or contemplate the use of a second pair of opposing ball supports. The addition of the second pair of opposing ball supports adds a level of complexity not considered by Henderson and is not a mere duplication of parts.

Claims 16, 17, 18, 21, 22 & 23 are dependent from amended claim 12 discussed above and are thus now allowable.

Claim 25 is allowable after reconsidering the limitations of claim 25 and the disclosed structure of Henderson. Henderson does not contemplate or fairly suggest the method of using a relatively light pressure exerted by ball supports such that "...the pressure exerted by the ball supports on the baseball is insufficient to prevent the axis of rotation of the baseball changing whilst being rotated..." See claim 25. The multiple axes of rotation of the present invention are illustrated in FIG. 8 above. Conversely, Henderson uses a method of simply spinning a ball prior to firing a ball. The lack of multiple rotational options in Henderson is not surprising, as Henderson is a simple shoulder fired ball gun.

Claim 27 is now allowable as claim 27 is a dependant claim to rewritten independent claim 19. Per the objection to claim 19, the limitations of claim 12 have been written into claim 19, and claim 19 has been converted into an independent claim. The limitations of claim 27 should not be considered as mere result of obvious experimentation in light of Henderson. The present invention has the novel assembly of using a relatively light pressure "...wherein the pressure exerted by the ball supports on the baseball is insufficient to prevent the axis of rotation of the baseball changing whilst being rotated..." See independent claim 19. Since the present invention uses an air pressure for a use not possible or contemplated by Henderson, the value of air pressure of claim 27 should not be considered as contemplated by Henderson or the result of mere experimentation. By virtue of the structural differences in Henderson, experimenting with air pressure in Henderson would have no relevance to the air pressure used in the multi rotational aspects of the present invention.

Claim 28 is allowable as claim 28 is a dependant claim to rewritten independent claim 19. The limitations of claim 28 should not be considered as mere result of obvious experimentation in light of Henderson for the same reasons discussed in the paragraph above. Moreover, claim 28 contains limitations dealing with ball seam positions, a limitation not considered in Henderson.

Conclusion

Applicant respectfully submits that the present patent application is in condition for allowance. An early indication of the allowability of this patent application is therefore respectfully solicited. If the patent examiner believes that a telephone conference with the undersigned would expedite passage of this application to issue, the examiner is invited to call on the number below and/or communicate via the email address provided below.

Respectfully submitted,

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